

Practitioner's Docket No. ARC 2400 N2

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Southam, Mary ; Bernstein, Keith; and Noorduin, Henk
Application No.: 09/781,041 Group No.: 3762
Filed: 02/09/2001 Examiner: Bockleman, M.
For: DEVICE FOR TRANSDERMAL ELECTROTRANSPORT DELIVERY OF FENTANYL AND
SUFENTANIL

Assistant Commissioner for Patents
Washington D.C. 20231

**TERMINAL DISCLAIMER TO OBLIVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. Section 1.321(c))****Identification of Person(s) Making This Disclaimer**

I, Owen J. Bates, represent that I am the attorney of record.

COPY**EXTENT OF DISCLAIMANT'S INTEREST**

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

**DISCLAIMER
(Obviousness-Type Double Patenting Rejection Over A Prior Patent)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service
with sufficient postage as first class mail in an
envelope addressed to the Assistant
Commissioner for Patents, Washington, D.C.
20231.

FACSIMILE

transmitted by facsimile to the Patent and
Trademark Office, (703) _____.

Elizabeth Grannel
Signature

Date: 14 Jan 2002

Elizabeth Grannel
(type or print name of person certifying)

the instant application, which would extend beyond the expiration date of Patent No. 6,171,294 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No. 6,171,294, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE (37 C.F.R. Section 1.20(d))

Other than a small entity--fee \$110.00.

FEE PAYMENT

Charge Deposit Account No. 01-1173 the sum of \$110.00

COPY

Charge Account No. 01-1173 for any fee deficiency.

A duplicate of this disclaimer is attached.

Date: 14 Jan 2002

Owen J. Bates
Signature of Practitioner

Reg. No.: 40,346
Tel. No.: 650-564-7867
Customer No.: 22921

Owen J. Bates
ALZA Corporation
1900 Charleston Road, P.O. Box 7210
M10-3
Mountain View, CA 94039-7210
United States of America